

Panaji, 21st March, 1985 (Phalguna 30, 1906)

SERIES I No. 51

OFFICIAL



GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN
AND DIU

Department of Personnel and Administrative Reforms

Notification

1/16/78-PER-VOL III

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F. 7(11)/62-Goa dated 25-7-1963 and in supersession of the existing recruitment rules for the posts, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the Group 'B' posts in the Directorate of Sports and Cultural Affairs, under the Government of Goa, Daman and Diu, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Daman and Diu, Directorate of Sports and Cultural Affairs, Group 'B' (Non-Ministerial Non-Gazetted) posts, Recruitment Rules, 1985.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.* — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.* — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage or that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.* — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.* — Nothing in these rules shall affect reservations of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 15th February, 1985.

SCHEDULE

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Name of the post	No of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of Service admissible under rule 30 of the C. C. S. (Pension Rules, 1972)	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	(6a)	7	8	9	10	11	12	13
1. Assistant Director of Physical Education/Sports.	2 (1985) Sub-ject to varia-tion depen-dent on work load.	General Central Service Group 'B' Gazetted.	Rs. 650-30-740-35--810-EB-35-880-40-1000-EB-40-1200.	Selection	Not exceed-ing 30 years (Relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Central Government). <i>Note:</i> The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman & Nicobar Islands and Lakshadweep).	No	Essential: i) Master's Degree in Physical Education of a recognised University or equivalent. OR (a) Master's degree of a recognised University or equivalent. (b) Degree/Diploma in Physical Education of a recognised University or equivalent. ii) 3 years' experience in the field of games, sports and physical education. <i>Note 1:</i> Qualifications are relaxable at the discretion of the U. P. S. C. in case of candidates otherwise well qualified. <i>Note 2:</i> The qualification(s) regarding experience is/are relaxable at the discretion of the U. P. S. C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U. P. S. C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. Desirable: i) Experience in organising games/sports	Age: No Educational Qualifications: To the extent indicated under Col. 11.	Two years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	Promotion: Assistant Physical Education Officers with 3 years' regular service in the grade and possessing Degree/Diploma in Physical Education of a recognised University or equivalent. Transfer on deputation: Officers under the Central/State Governments and Union Territories: — (a) (i) holding analogous posts; or (ii) with 3 years' service in posts in the scale of Rs. 550-900 or equivalent; or (iii) with 8 years' service in posts in the scale of Rs. 425-700 or equivalent; and (b) possessing the educational qualifications and experience prescribed for direct recruits under Col. 7. (Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same orga-	Grooup 'B' D. P. C. i) Chief Secretary — Chairman. ii) Administrative Secretary — Member iii) Head of Department — Member. <i>Note:</i> The Proceedings of the D.P.C. relating to confirmation of a direct recruit shall be sent to the Commission for approval. If, however, these are not approved by the Commission a fresh meeting of the D.P.C. to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.	Consultation with the U. P. S. C. necessary while making direct recruitment, selecting an officer for appointment on deputation and amending/relaxing any of the provisions of these rules.

2. Assistant Director of Coaching.	1 (1985) Subject to variation dependent on workload.	General Central Service Group 'B' Gazetted.	Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200.	Selection	Not exceeding 30 years (Relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Central Government).	No
3. Assistant Director of Culture	1 (1985) Subject to variation dependent on workload.	General Central Service Group 'B' Gazetted.	Rs. 650-30-740-35-810-EB-35-880-40-	N.A.	Not exceeding 30 years (Relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Central Government).	No

- tournaments at zonal and state levels.
- ii) Knowledge of Konkani/Marathi / Gujarathi.

- Essential:**
- Master's degree of a recognised University or equivalent.
 - Degree/Diploma in Coaching of a recognised University/Institution or equivalent.
 - 3 years' experience in coaching at zonal and State levels.

Note 1: Qualifications are relaxable at the discretion of the U.P. S. C. in case of candidates otherwise well qualified.

Note 2: The qualification(s) regarding experience is/are relaxable at the discretion of the U.P. S. C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U.P. S. C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable:

- Experience of organising sports events.
- Participation in State/National level tournaments.
- Knowledge of Konkani/Marathi/Gujarathi.

Age: No
Two years
By promotion failing which by transfer on deputation and failing both by direct recruitment.

nisation/department shall ordinarily not exceed 3 years).

Promotion:
Coaches with 3 years' regular service in the grade and possessing Degree/Diploma in Coaching of a recognised University or equivalent.

Transfer on deputation:
Officers under the Central/State Governments and Union Territories:—

- (i) holding analogous posts; or
 - (ii) with 3 years' service in posts in the scale of Rs. 550-900 or equivalent; or
 - (iii) with 8 years' service in posts in the scale of Rs. 425-700 or equivalent; and
- (b) possessing the educational qualifications and experience prescribed for direct recruits under Col. 7.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/department shall ordinarily not exceed 3 years).

Promotion/Transfer on Deputation:
Officers Under Central/State Govts. and Uni-

Group 'B' D. P. C.

- Chief Secretary — Chairman.
- Administrative Secretary — Member.
- Head of Department — Member.

Note: The Proceedings of the D.P.C. relating to confirmation of a direct recruit shall be sent to the Commission for approval. If, however, these are not approved by the Commission a fresh meeting of the D.P.C. to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.

Consultation with the U. P. S. C. necessary while making direct recruitment, selecting an officer for appointment on deputation and amending/relaxing any of the provisions of these rules.

Selection on each occasion shall be made in consultation

1	2	3	4	5	6	(6a)	7	8	9	10	11	12	13
dent on work- load.	-1000-EB- -40-1200.	upto 5 years in accord- ance with the instruc- tions or or- ders issued by the Cen- tral Govern- ment).					/Education or in any Cultural field of a recognised Uni- versity or equiva- lent. iii) 3 years' experience in organising Cul- tural activities in a supervisory capaci- ty. <i>Note 1:</i> Qualifications are relaxable at the discretion of the U. P. S. C. in case of candi- dates otherwise well qualified. <i>Note 2:</i> The qualifica- tion(s) regarding ex- perience is/are relax- able at the discretion of the U. P. S. C. in the case of candidates be- longing to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U. P. S. C. is of the opinion that sufficient number of candidates from these communities possessing the requi- site experience are not likely to be available to fill up the vacancies reserved for them. <i>Desirable:</i> i) Participation in or- ganised cultural ac- tivities. ii) Knowledge of Kon- kani/Marathi/Guja- rathi.	To the extent indica- ted un- der Col. 11.			on Territo- ries: — (a) (i) holding analogous posts; or (ii) with 3 years' service in posts in the scale of Rs. 550-900 or equivalent; or (iii) with 8 years' service in posts in the scale of Rs. 425-700 or equivalent; and (b) possessing the educational qua- lifications and experience pres- cribed for direct recruits under Col. 7. 2. The departmen- tal Assistant Cultural Officer with 3 years' regular service in the grade and possessing Degree/Diploma in Dramatics/ Music/Educa- tion or in any cultural field of of a recognised University or equivalent will also be consi- dered and in case he is se- lected for ap- pointment to the post, the same shall be deemed to have been filled by promotion. (Period of deputa- tion including period of depu- tation in another ex-cadre post held immediately preceding this appointment in the same orga- nisation/depart- ment shall ordi- narily not ex- ceed 3 years).	1. Chief Secre- tary — Chair- man. 2. Adminis- trative Se- cretary — Member. 3. Head of Department — Member. <i>Note:</i> The Proceedings of the D.P.C. relating to confirmation of a direct recruit shall be sent to the Commission for approval. If, however, these are not approved by the Commis- sion a fresh meeting of the D.P.C. to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.	tion with the Com- mission also ne- cessary while a- mending/ /relaxing any of the pro- visions of these rules.

Law Department

Legal Affairs Branch

Notification

LD/1/9/84-(D) Vol. II

The Merchant Shipping (Amendment) Act, 1984 (No. 41 of 1984) which has been passed by Parliament and assented to by the President on 27th May, 1984 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 31-5-1984, the Essential Commodities (Amendment) Act, 1984 (No. 34 of 1984) and the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1984 (No. 35 of 1984) which were passed by Parliament and assented to by the President on 26th May, 1984 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 27-5-84, and the Estate Duty (Distribution) Amendment Act, 1984 (No. 32 of 1984) and the Moghul Line Limited (Acquisition and Transfer of Shares) Act, 1984 (No. 33 of 1984) which were passed by Parliament and assented to by the President on 23-5-84 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 24-5-84 are hereby republished for the general information of the Public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 22nd January, 1985.

The Merchant Shipping (Amendment) Act, 1984

AN

ACT

further to amend the Merchant Shipping Act, 1958

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Merchant Shipping (Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 3.**—In section 3 of the Merchant Shipping Act, 1958 44 of 1958. (hereinafter referred to as the principal Act), after clause (11), the following clause shall be inserted, namely:—

“(11A) “family” means,—

(i) in the case of male, his wife, his children, whether married or unmarried, his dependent parents and his deceased son's widow and children:

Provided that if a person proves that his wife has ceased under the personal law governing him or the customary law of the community to which the spouses belong, to be entitled to maintenance she shall no longer be deemed to be a part of such person's family for the purpose of this Act, unless such person subsequently intimates by express notice, in writing, to the

Central Government that she shall continue to be so regarded; and

(ii) in the case of female, her husband, her children, whether married or unmarried, her dependent parents, her husband's dependent parents and her deceased son's widow and children:

Provided that if a person by notice in writing to the Central Government expresses her desire to exclude her husband from the family, the husband and his dependent parents shall no longer be deemed to be a part of such person's family for the purpose of this Act, unless such person subsequently cancels in writing any such notice.

Explanation.—In either of the above two cases, if the child, or, as the case may be, the child of a deceased son, of a person has been adopted by another person and if under the personal law of the adopter adoption is legally recognised, such a child shall be considered as excluded from the family of the first mentioned person.

3. **Amendment of section 24.**—In section 24 of the principal Act, the following proviso shall be inserted at the end, namely:—

“Provided that subject to such order as the Central Government may issue in this behalf, when the office of registrar of Indian ships at any port is vacant or the holder of such office is on leave or is not available, for any reason, at the port to exercise and discharge the powers, duties and functions of the office, the seniormost surveyor at that port may act as, and exercise and discharge the powers, duties and functions of, the registrar of Indian ships at that port.”.

4. **Amendment of section 101.**—In sub-section (1) of section 101 of the principal Act, for the words “signed by the master”, the words “signed by the owner or agent and the master” shall be substituted.

5. **Substitution of new section for section 102.**—For section 102 of the principal Act, the following section shall be substituted, namely:—

“102. **Engagement of seaman where agreement is made out of India.**—Notwithstanding anything contained in any other provision of this Act, the master of a ship registered at a port outside India who has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, may engage in any port in India—

(a) a seaman who is not a citizen of India and who holds continuous discharge certificate or any other similar document of identity issued by the competent authority of the country in which the ship is registered or, as the case may be, of the country in which the said agreement was made; or

(b) a seaman who is a citizen of India and who holds a certificate of discharge or a continuous certificate of discharge issued under this Act,

and any seaman so engaged under clause (a) or clause (b) may sign the agreement aforesaid and it shall not be necessary for him to sign an agreement under this Act.”.

6. **Amendment of section 105.** — In the principal Act, section 105 shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely: —

“(2) A copy of the statement referred to in sub-section (1) shall also be sent to the seamen’s employment office concerned.”.

7. **Amendment of section 108.** — In section 108 of the principal Act, for the portion beginning with the words “unless proved to have been made” and ending with the words “if made out of India”, the following shall be substituted, namely: —

“unless proved to have been made with the consent of all the persons interested in the erasure, interlineation or alteration by the written attestation,—

(a) if in India, of some shipping master or customs collector; or

(b) if outside India, by an Indian consular officer or at any port outside India at which no Indian consular officer is available, any such person as is authorised in this behalf by the Central Government by notification in the Official Gazette”.

8. **Insertion of new section 130A.** — After section 130 of the principal Act, the following section shall be inserted, namely: —

“130A. **Certain undisbursed amounts to be utilised for welfare of seamen.** — Subject to the provisions of section 160 and to such restrictions and conditions as may be prescribed, any amount deposited with or recovered by the shipping master for making payment in accordance with the allotment note made by a seaman or for being paid to a seaman or his nominee may, if such amount remains unclaimed with the shipping master for a period of not less than six years, be utilised for the welfare of seaman in such manner as the Central Government may direct.”.

9. **Amendment of section 132.** — In section 132 of the principal Act, in clause (a) of sub-section (1), for the words “three hundred rupees”, the words “three thousand rupees” shall be substituted.

10. **Amendment of section 137.** — In section 137 of the principal Act, in sub-section (1), for the words “one month from the date of the agreement”, the words “one month from the date on which the seaman’s right to wages begins” shall be substituted.

11. **Amendment of section 141.** — In section 141 of the principal Act, in sub-section (3), for words “to his legal heirs”, the words “to the person nominated by him in this behalf under section 159A or if he has not made any such nomination or the nomination made by him is or has become void, to his legal heirs” shall be substituted.

12. **Amendment of section 159.** — In section 159 of the principal Act, —

(a) in the opening portion, for the words “such sums as he thinks proper to allow, may —”, the words, figures and letter “such sums as he thinks proper to allow, shall pay and deliver the residue to the person nominated by the seaman or appren-

tice in this behalf under section 159A and if he has not made any such nomination or the nomination made by him is or has become void, the shipping master may —” shall be substituted;

(b) in clause (b), after the words and figures “the Indian Succession Act, 1925”, the words and figures “or a certificate under section 29 of the Administrators-General Act, 1963” shall be inserted. 39 of 1925.
45 of 1962.

13. **Insertion of new section 159A.** — After section 159 of the principal Act, the following section shall be inserted, namely: —

“159A. **Nomination.** — (1) A seaman may, for the purposes of sub-section (3) of section 141 and clause (b) of section 159 and an apprentice may, for the purposes of clause (b) of section 159, nominate any person or persons:

Provided that if the seaman or the apprentice has a family, he may nominate for the purposes aforesaid any one or more members of his family only and if a seaman or an apprentice acquires a family after he has made any such nomination, the nomination shall become void.

(2) The form in which any nomination may be made under sub-section (1), the cancellation or variation of any such nomination (including the making of a fresh nomination) and all other matters connected with such nominations shall be such as may be prescribed.”.

14. **Amendment of section 160.** — In section 160 of the principal Act, in sub-section (2), after the proviso, the following proviso shall be inserted, namely: —

Provided further that if, before the expiration of six years after the proceeds of the sale have been so paid, no claim is made thereto the amount or any part thereof may be utilised for the welfare of seaman in such manner as the Central Government may direct.”.

15. **Insertion of new section 177A.** — After section 177 of the principal Act, the following section shall be inserted, namely: —

“177A. **Power to make rules to prevent accidents, etc.** — (1) The Central Government may, having regard to the provisions of the Convention concerning the Prevention of Occupational Accidents to Seafarers adopted by the General Conference of the International Labour Organisation on the 30th day of October, 1970, make rules so as to ensure safe working conditions for Indian ships and for preventing accidents and different rules may be made for different classes of ships and for ships of the same class in different circumstances.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely: —

(a) the manner in which any equipment or gear may be maintained, inspected or tested and conditions as to such maintenance, inspection and testing;

(b) the manner in which the use of any material or process shall be regulated for the manufacture of any such equipment or gear;

(c) the provision of safe means of access to such equipment or gear for the use of seamen and provision of protective clothing for seamen where necessary;

(d) restriction on the hours of employment of seamen in any specified operation or under any specified circumstances; and

(e) the manner and form in which and the persons to whom any accident occurring on board a ship shall be reported."

16. Amendment of section 194.— In section 194 of the principal Act, in clause (d), for the words "officer of the ship", the words "officer of, or a seaman or an apprentice belonging to, the ship" shall be substituted.

17. Amendment of section 204.— To section 204 of the principal Act, the following proviso shall be added, namely:—

"Provided that the provisions of this section shall not extend to the case in which the harbour or secreting is by the spouse of the seaman or apprentice."

18. Amendment of section 299A.— In section 299A of the principal Act, in sub-section (1),—

(a) in the opening portion, the words "of five hundred tons gross or more" shall be omitted;

(b) in clause (a), for the words "if the ship performs international voyages", the words "if the ship is of five hundred tons gross or more and performs international voyages" shall be substituted.

19. Amendment of section 365.— In the principal Act, section 365 shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Subject to any rules made in this behalf by the Central Government, the court making an investigation or inquiry under this Part may, if it thinks fit, order the payment, on the part of that Government, of the reasonable expenses of any witness attending for the purposes of such investigation or inquiry before such court."

20. Amendment of section 402.— In section 402 of the principal Act, in sub-section (3),—

(a) after the words "Indian Navy", the words "or of the Coast Guard" shall be inserted;

(b) the following *Explanation* shall be inserted at the end, namely:—

Explanation.— "Coast Guard" means the Coast Guard constituted under section 3 of the Coast Guard Act, 1978."

30 of 1978.

21. Insertion of new sections 434A and 434B.— After section 434 of the principal Act, the following sections shall be inserted, namely:—

"434A. Insurance of members of crew of a sailing vessel.— (1) Subject to the other provisions of this section and the scheme framed under sub-section (3), the owner of every sailing vessel shall take and keep in force, in accordance with the provisions of the said scheme, a policy of insurance whereby all the members of the crew of such vessel are insured against death or personal injury caused by accident in the course of employment as such members.

(2) It shall be the responsibility of the owner of every sailing vessel to bear the expenses incidental to the taking of the policy of insurance referred to in sub-section (1) and to pay the premiums for keeping it in force:

Provided that the maximum amount which the owner of the sailing vessel shall be liable to pay by way of premiums per year shall not exceed—

(a) where the number of members of the crew is not more than ten, one hundred and fifty rupees;

(b) where the number of members of the crew is more than ten, a sum calculated at the rate of fifteen rupees for each member of the crew.

(3) The Central Government may, by notification in the Official Gazette, frame a scheme providing for the insurance of all persons employed as members of the crew of sailing vessels against death or personal injury caused by accident arising in the course of their employment as such members.

(4) Without prejudice to the generality of the provisions of sub-section (3), a scheme framed under that sub-section may provide for—

(a) the amount which should be payable in the case of personal injury resulting in the death of a member of the crew of a sailing vessel due to accident and in the case of other injuries:

Provided that different amounts may be provided in respect of different personal injuries not resulting in death;

(b) the procedure for payment of such amounts; and

(c) all other matters necessary for giving effect to the scheme.

(5) Where, under the provisions of any other law for the time being in force, compensation is payable in respect of death or personal injury sustained by a member of the crew of a sailing vessel as a result of an accident in the course of his employment as such member, then if the amount payable in respect of such death or personal injury in accordance with the scheme framed under this section—

(a) is equal to, or more than, the compensation payable under such other law, no compensation shall be payable under such other law;

(b) is less than the compensation payable under such other law, the compensation payable under such other law shall be reduced by the said amount.

(6) Every scheme framed by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately

following the session or the successive sessions aforesaid, both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

434B. Policy of insurance.—(1) No sailing vessel shall ply or proceed to sea unless there is in force in respect of the members of the crew of the vessel a policy of insurance complying with the requirements of section 434A and the scheme framed thereunder.

(2) No customs collector shall grant a port clearance to a sailing vessel until after production by the owner of such a policy of insurance.”

22. Amendment of section 436.—In section 436 of the principal Act, in the Table, the existing serial number 137 shall be re-numbered as serial number 136A, and after serial number 136A as so re-numbered, the following serial number and the entries relating thereto shall be inserted, namely:—

1	2	3	4
“137	If the owner fails to comply with sub-section (1) of section 434A	434A(1)	Imprisonment which may extend to six months, or fine which may extend to five thousand rupees, or both.”

The Essential Commodities (Amendment) Act, 1984

AN

ACT

further to amend the Essential Commodities Act, 1955.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Essential Commodities (Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new section 7A.—After section 7 of the Essential Commodities Act, 1955, the following section shall be inserted, namely:—

10 of 1955.

“7A. Power of Central Government to recover certain amounts as arrears of land revenue.—(1) Where any person, liable to—

(a) pay any amount in pursuance of any order made under section 3, or

(b) deposit any amount to the credit of any Account or Fund constituted by or in pursuance of any order made under that section,

makes any default in paying or depositing the whole or any part of such amount, the amount in respect of which such default has been made

shall [whether such order was made before or after the commencement of the Essential Commodities (Amendment) Act, 1984, and whether the liability of such person to pay or deposit such amount arose before or after such commencement] be recoverable by Government together with simple interest due thereon computed at the rate of six per cent. per annum from the date of such default to the date of recovery of such amount, as an arrear of land revenue.

(2) The amount recovered under sub-section (1) shall be dealt with in accordance with the order under which the liability to pay or deposit such amount arose.

(3) Notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, no court, tribunal or other authority shall grant any injunction or make any order prohibiting or restraining any Government from recovering any amount as an arrear of land revenue in pursuance of the provisions of sub-section (1).

(4) If any order, in pursuance of which any amount has been recovered by Government as an arrear of land revenue under sub-section (1) is declared by a competent court, after giving to the Government a reasonable opportunity of being heard, to be invalid, the Government shall refund the amount so recovered by it to the person from whom it was recovered, together with simple interest due thereon, computed at the rate of six per cent. per annum, from the date of recovery of such amount to the date on which such refund is made.

Explanation.—For the purposes of this section, “Government” means the Government by which the concerned order under section 3 was made or where such order was made by an officer or authority subordinate to any Government, that Government.”

The Public Premises (Eviction of Unauthorised Occupants)

Amendment Act, 1984

AN

ACT

further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Amendment of section 5A.—In section 5A of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), in clause (a), for the words “other structure or fixture”, the words

40 of 1971.

"any movable or immovable structure or fixture" shall be substituted:

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Where any building or other immovable structure or fixture has been erected, placed or raised on any public premises in contravention of the provisions of sub-section (1), the estate officer may serve upon the person erecting such building or other structure or fixture, a notice requiring him either to remove, or to show cause why he shall not remove such building or other structure or fixture from the public premises within such period, not being less than seven days, as he may specify in the notice; and on the omission or refusal of such person either to show cause, or to remove such building or other structure or fixture from the public premises, or where the cause shown is not, in the opinion of the estate officer, sufficient, the estate officer may, by order, remove or cause to be removed the building or other structure or fixture from the public premises and recover the cost of such removal from the person aforesaid as an arrear of land revenue.

(3) Where any movable structure or fixture has been erected, placed or raised, or any goods have been displayed or spread, or any cattle or other animal has been brought or kept, on any public premises, in contravention of the provisions of sub-section (1) by any person, the estate officer may, by order, remove or cause to be removed without notice, such structure, fixture, goods, cattle or other animal, as the case may be, from the public premises and recover the cost of such removal from such person as an arrear of land revenue."

3. Amendment of section 5B.—In section 5B of the principal Act, in sub-section (1),—

(a) in the opening paragraph, the words, brackets and figure, "not being less than seven days, or more than fifteen days, from the date of publication of the order under sub-section (3)" shall be omitted;

(b) in the proviso, after the words "by means of a notice", the words "of not less than seven days" shall be inserted.

4. Insertion of new section 5C.—After section 5B of the principal Act, the following section shall be inserted, namely:—

"5C. Power to seal unauthorised constructions.—

(1) It shall be lawful for the estate officer, at any time, before or after making an order of demolition under section 5B, to make an order directing the sealing of such erection or work or of the public premises in which such erection or work has been commenced or is being carried on or has been completed in such manner as may be prescribed, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

(2) Where any erection or work or any premises in which any erection or work is being carried on has, or have been sealed, the estate officer may,

for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except—

(a) under an order made by the estate officer under sub-section (2); or

(b) under an order of the appellate officer made in an appeal under this Act."

5. Amendment of section 9.—In section 9 of the principal Act,—

(a) in sub-section (1), after the words, figure and letter "or section 5B", the words, figure and letter "on section 5C" shall be inserted;

(b) in sub-section (2),—

(i) in clause (a), the word "and" at the end shall be omitted;

(ii) in clause (b), the word "and" shall be inserted at the end;

(iii) after clause (b), the following clause shall be inserted, namely:—

"(c) in the case of an appeal from an order under section 5C, within twelve days from the date of such order."

6. Amendment of section 11.—In section 11 of the principal Act,—

(a) sub-sections (1) and (2) shall be renumbered as sub-sections (2) and (3) thereof respectively, and before sub-section (2) as so renumbered, the following sub-section shall be inserted, namely:—

"(1) If any person unlawfully occupies any public premises, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both:

Provided that a person who, having been lawfully in occupation of any public premises by virtue of any authority (whether by way of grant, allotment or by any other mode whatsoever) continues to be in occupation of such premises after such authority has ceased to be valid, shall not be guilty of such offence."

(b) in sub-section (2) as so renumbered, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(c) in sub-section (3) as so renumbered, for the word, brackets and figure "sub-section (1)", the word, brackets and figure "sub-section (2)" shall be substituted.

7. Insertion of new section 11A.—After section 11 of the principal Act, the following section shall be inserted, namely:—

"11A. Offences under section 11 to be cognizable.—The Code of Criminal Procedure, 1973, shall apply to an offence under section 11 as if it were a cognizable offence—

(i) for the purposes of investigation of such offence, and

(ii) for the purposes of matters, other than —

(1) matters referred to in section 42 of that Code, and

(2) arrest of a person except on the complaint of, or upon information received from, —

(a) a Group A officer as may be appointed by the Central Government, in the case of an offence in relation to the public premises specified in sub-clause (1) of clause (e) of section 2;

(b) an officer equivalent to the rank of a Group A officer of the Central Government or where it is not possible to specify an officer of such equivalent rank, such executive officer as may be appointed by the statutory authority in the case of an offence in relation to the public premises specified in sub-clause (2) of clause (e) of section 2;

(c) such Deputy Commissioner, in the case of an offence in relation to the public premises belonging to the Municipal Corporation of Delhi, as may be appointed by the Administrator of the Union territory of Delhi;

(d) the Secretary, New Delhi Municipal Committee, in the case of an offence in relation to the public premises belonging to the New Delhi Municipal Committee;

(e) the Secretary of a notified area committee, in the case of an offence in relation to the public premises belonging to that committee;

(f) such Director, in the case of an offence in relation to the Public premises belonging to the Delhi Development Authority, as may be appointed by the Administrator of the Union territory of Delhi."

8. **Amendment of section 13.** — In section 13 of the principal Act, in sub-section (1A), after the word, brackets and figure "sub-section (2)", the words, brackets and figure "or sub-section (3)" shall be inserted.

9. **Amendment of section 15.** — In section 15 of the principal Act, after clause (c), the following clause shall be inserted, namely: —

"(cc) the sealing of any erection or work or of any public premises under section 5C, or".

10. **Amendment of section 18.** — In sub-section (2) of section 18 of the principal Act, after clause (e) the following clause shall be inserted, namely: —

"(ee) the manner in which the sealing of any erection or work or of any public premises shall be made under sub-section (1) of section 5C;"

The Estate Duty (Distribution) Amendment Act, 1984

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ACT

further to amend the Estate Duty (Distribution) Act, 1962.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows: —

1. **Short title and commencement.** — (1) This Act may be called the Estate Duty (Distribution) Amendment Act, 1984.

(2) It shall be deemed to have come into force on the 1st day of April, 1984.

2. **Amendment of long title of Act 9 of 1962.** — In the long title of the Estate Duty (Distribution) Act, 1962 (hereinafter referred to as the principal Act), for the words, figures and letters "report dated the 28th day of October, 1978", the words, figures and letters "interim report dated the 14th day of November, 1983" shall be substituted.

3. **Amendment of section 3.** — In section 3 of the principal Act, in sub-section (1), —

(a) for the words, figures and letters "each of the financial years commencing on and after the 1st day of April, 1979", the words, figures and letters "the financial year commencing on the 1st day of April, 1984" shall be substituted;

(b) for the words "be distributed", the words "be distributed, provisionally," shall be substituted

The Mogul Line Limited (Acquisition of Shares) Act, 1984

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to provide, in the public interest, for the acquisition of certain shares of the Mogul Line Limited in order to serve better the shipping needs of the nation and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows: —

1. **Short title.** — This Act may be called the Mogul Line Limited (Acquisition of Shares) Act, 1984.

2. **Definitions.** — In this Act, unless the context requires, —

(a) "appointed day" means the date on which this Act comes into force;

(b) "Company" means the Mogul Line Limited, being a company within the meaning of the Companies Act, 1956, and having its registered office at 16, N. G. N. Vaidya Marg (Bank Street), Bombay;

(c) "share" means a share in the capital of the Company, and includes a share pledged by any shareholder with any bank or other creditor;

(d) "shareholders" means a person who, immediately before the appointed day, was registered by the Company as the holder of any share and includes his legal representative;

(e) words and expressions used herein and not defined but defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

3. **Transfer and vesting of certain shares of the Company in the Central Government.** — (1) On the appointed day, all the shares of the Company which are not held by the Central Government shall, by virtue of this Act, stand transferred, to, and shall vest in, the Central Government.

(2) The Central Government shall be deemed, on and from the appointed day, to have been registered in the Register of members of the Company as the

holder of each share which stands transferred to, and vested in, it by virtue of the provisions of sub-section (1).

(3) All the shares which have vested in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them, and any attachment, injunction or any decree or order of the court, tribunal or other authority restricting the use of such shares in any manner, shall be deemed to have been withdrawn.

(4) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect —

(a) any right of the Company subsisting, immediately before the appointed day, against any shareholder to recover from such shareholder any sum of money on the ground that the shareholder has not paid or credited to the Company the whole or any part of the value of the shares held by him, or on any other ground whatsoever; or

(b) any right of the shareholder subsisting, immediately before the appointed day, against the Company to receive any dividend or other payment due from the Company.

4. Management of the Company. — For the purposes of enabling the Company to function as a Government company in which the entire share capital is held by the Central Government, the Central Government may, by notification in the Official Gazette, make such provisions (including amendments in the memorandum and articles of association of the Company) as it may consider necessary and the provisions so made shall have effect notwithstanding anything contained in the Companies Act, 1956.

1 of 1956.

5. Payment of amounts. — (1) Every shareholder whose shares in the capital of the Company are transferred to, and vested in, the Central Government under section 3 shall, for such transfer and vesting, be given by that Government, in cash and in the manner specified in section 6, an amount calculated at the rate of rupees ten per share.

(2) The amount payable to a shareholder under sub-section (1) shall carry simple interest at the rate of five and a half per cent, per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the shareholder or where such amount has been deposited under sub-section (4) of section 6, on the date on which it is so deposited.

6. Manner of payment of amounts. — (1) The amounts payable to a shareholder in accordance with the provisions of section 5 shall be given to him in cash to be paid by cheque drawn on the Reserve Bank of India.

(2) A shareholder may make an application, in writing, to the Central Government for the payment of the amounts payable to him.

(3) On the receipt of an application under sub-section (2), the Central Government shall, after

making such investigation as may, in its opinion, be necessary, make the payment.

(4) If any dispute arises as to the person entitled to receive the amounts payable in respect of any share, the Central Government shall deposit the amount in the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated for being paid to the person or persons entitled to be paid.

7. Act to have overriding effect. — The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

8. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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